

June 16, 1998

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION.

SUBJECT: Department of Development and Environmental Services File No. **L97P0013**

REDHAWK

Application for Preliminary Plat Approval

Location: Generally between 228th Avenue SE and 233rd Avenue SE, and
SE 13th Street and SE 14th Street (if constructed)

Applicant: Greg Sahar
Wellington-Morris Corporation
10335 Main Street, #8
Bellevue, WA 98004

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions (modified)
Examiner:	Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application or petition submitted:	March 21, 1997
Notice of complete application:	August 6, 1997

EXAMINER PROCEEDINGS:

Pre-Hearing Conference:	May 4, 1998
Hearing Opened:	June 8, 1998
Hearing Closed:	June 8, 1998

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Road design
- Surface water conveyance

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer:	Wellington-Morris Corporation 10335 Main Street, Suite 8 Bellevue, WA 98004 (425) 455-2929
Engineer:	Group Four, Inc. 16030 Juanita-Woodinville Way NE Bothell, WA 98011 (206) 362-4244
Location:	Generally between 228 th Avenue SE and 233 rd Avenue SE, and SE 13 th Street and SE 14 th Street (if constructed)
STR:	03-24-06
Zoning:	R-8-P
Acreage:	7.57
Number of Lots:	45
Density:	6.13 dwelling units per acre
Typical Lot Size:	Approximately 3,000 square feet
Proposed Use:	Detached single-family residences
Sewage Disposal:	Sammamish Plateau Water & Sewer District
Water Supply:	Sammamish Plateau Water & Sewer District
Fire District:	#10
School District:	Issaquah School District No. 411
Complete Application Date:	August 6, 1997

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the June 8, 1998 public hearing are found to be correct and are incorporated herein by reference. The LUSD Staff recommends approval of the application, subject to conditions.
3. A preliminary plat application was filed by the Wellington-Morris Corporation with a vesting date of August 6, 1997 to subdivide 7.57 acres into 45 lots for single-family residential development. The property is zoned R-8-P and is located within the rapidly developing area of the Sammamish Plateau which adjoins 228th Avenue SE, and lies south of SE 8th Street.

4. A Mitigated Determination of Nonsignificance was issued March 3, 1998 for the Redhawk proposal. The MDNS conditions require construction of an interim southbound left-turn lane and northbound right-turn radius on 228th Avenue SE at the project entrance, as well as treatment of project surface water run-off for phosphorous removal. A timely appeal of the MDNS was filed by D.A. Alexander, raising issues relating to the proposal's traffic impacts and the effects of surface water drainage on the downstream system. This appeal was withdrawn on May 14, 1998.
5. Although this project will contribute traffic to already-congested arterial corridors serving the Sammamish Plateau, due to its relatively small size it will meet the County Intersection Standards threshold of 30 peak hour trips only at the project's entrance onto 228th Avenue SE. The MDNS traffic condition deals with turning issues at this location and will mitigate project impacts to a satisfactory level of service. The project has also been issued a road variance authorizing less than 1,000 feet of spacing between intersections, an action which will facilitate a four-way intersection (created in conjunction with the Redford plats on the west side of 228th Avenue SE) at a location where sight distance requirements can be met. In addition, the applicant has agreed to dedicate a slope easement adjacent to the 228th Avenue SE right-of-way to accommodate future construction of the County's lane-widening CIP project.
6. Finally, the project has been granted a surface water diversion variance permitting flows from the easternmost one acre of the site to be redirected to the 228th Avenue SE ditch system after detention and treatment on-site. This will allow consolidation of drainage facilities and the avoidance of increased flooding within the Claremont subdivision and other downstream properties off-site to the east.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval recommended herein, including dedications and easements, will provide improvements which promote legitimate public purposes; are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat of REDHAWK, as revised and received on April 3, 1998, is APPROVED, subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-8 zone classification. All lots shall also meet the minimum dimensional requirements of the R-8 zone

classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services (DDES).

4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards, established and adopted by Ordinance No. 11187.
6. The applicant must obtain the approval of the King County Fire Protection Engineer, regarding compliance with the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Water and Land Resources Division. Compliance may result in altering the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements which apply to all plats.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995. LUSD approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by LUSD Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."
8. A surface water diversion variance (L97V0155) was applied for and approved for this subdivision. All conditions of approval for this variance shall be met, and reflected in the subdivision engineering plans at the time of their submittal.
9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council, prior to final plat recording.
10. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat

recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time the plat application vested (August 6, 1997) and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.

11. Lots within this subdivision are subject to KCC 21A.43 and Ordinance 12532 which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, 50% of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
12. The following road improvements are required for this subdivision, and shall be consistent with the 1993 King County Road Standards (KCRS):
 - a. Road A shall be improved to the urban subcollector standard, as permitted by KCRS Sec. 2.21. The westerly 150 feet of the driving surface of Road A shall be 36 feet wide, in accordance with KCRS 2.03, Footnote #9. Per KCRS 2.21, street trees shall be provided along Road A, and along Road C south of Road A (see Condition 18 below).
 - b. Roads B and D shall be improved to the urban subaccess standard.
 - c. Road C shall be improved to the urban half-street standard.
 - d. The frontage of the property along 228th Ave. SE shall be improved to the urban principal arterial standard, including provision for a bike lane. These road improvements may be reduced to an interim improvement standard, as determined by LUSD, if the County's Capital Improvement Project for 228th Ave. is within one year of construction. If an interim improvement is permitted, LUSD may require the installation of curbing to separate the driving surface from the shoulder, in order to provide safe walking conditions for students walking to school.
 - e. The subject plat shall conform with Road Variance L97V0006. The intersection of Road A/228th Ave. SE shall align with the access serving the Redford Ranch developments (File Nos. B97C0073, L97P0012 and L97P0014), unless modified by the Engineering Review Section, LUSD.
 - f. Modifications to the above road conditions may be considered, per KCRS Section 1.08.
13. The access easement which crosses the subject property and adjoins the north boundary of the site (Recording No. 9405182119) shall be vacated.
14. There shall be no direct vehicular access to or from 228th Ave. SE from those lots in the subject plat which abut this street, except as provided as follows. The existing residence on Lot 1 may continue to have direct access from 228th Ave. SE. At such time as this residence is either replaced, or significantly remodeled as determined by DDES, direct access to 228th Ave. shall no longer be permitted. A note to this effect shall appear on the final plat and engineering plans.

15. Twenty feet of additional right-of-way for 228th Ave. SE shall be dedicated to King County along the west property line of the site, allowing for 50 feet of right-of-way from centerline. In addition, a slope easement shall be dedicated to King County, consistent with Exhibit No. 19, for the construction of planned road improvements on 228th Avenue SE associated with the County's Capital Improvement Program; provided that, this requirement may be waived by the King County Department of Transportation.
16. Suitable recreation space shall be provided, consistent with the requirements of KCC 21A.14.180 and 21A.14.190. A recreation space improvement plan shall be reviewed and approved by LUSD and the King County Parks Division, prior to engineering plan approval.
17. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation areas.
18. Street trees shall be provided along Road A and the portion of Road C which lies south of Road A, as follows:
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation (KCDOT) determines that trees should not be located in the street right-of-way.
 - c. If KCDOT determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners or the homeowners' association or other workable organization, unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES, and KCDOT if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

The following conditions have been established under SEPA authority as necessary to mitigate the adverse environmental impacts of this development. The applicant shall demonstrate compliance with these items prior to final approval.

19. The developer shall construct an interim southbound left-turn lane and northbound right-turn radius on 228th Avenue SE at the project entrance. Channelization and illumination plans shall be coordinated with construction plans for access to the Redford Development directly across from the Redhawk access.

At final plat recording, construction of the southbound left-turn lane may be waived if:

- a. King County's Capital Improvement Project to widen 228th Avenue SE, along Redhawk's frontage is within 12 months of construction; and
 - b. An opposing northbound left-turn lane on 228th Avenue SE has not been constructed by the Redford development.
20. Runoff from impervious surfaces subject to vehicle use or storage and/or transfer of chemicals, petroleum products or wastes must be treated to remove 50% of the annual average total phosphorous concentration before discharge to Lake Sammamish or its tributaries (either natural or engineered). This goal may be met by treating the water quality flow (defined below) with one of the following three on-site treatment options. The design of the facilities shall be approved by King County Water and Land Resources Division (WLRD). Other options that provide an equivalent level of pollutant removal are also acceptable, but must be approved by WLRD.

Option 1: A large wetpond having a dead storage volume of at least 4.5 times the runoff from the mean annual storm. The mean annual storm is determined by dividing the annual rainfall (in inches) by the number of storms in a typical year. In the Lake Sammamish area, the mean annual storm ranges from about 0.47 to 0.56 inches.

Option 2: A large sand filter treating 95% of the annual average runoff volume as computed by the KCRTS time series. If a detention facility does not precede the sand filter, a presettling pond or vault must be provided prior to the sand filter. The presettling pond must be sized to hold a volume of 0.75 times the runoff from the mean annual storm.

Option 3: A two-facility treatment train, with the first facility sized to treat the water quality flow (see below), and the second facility a sand filter sized to treat the flow from the first facility, or 90% of the annual average runoff volume as computed by the KCRTS time series.

The water quality flow is defined as one of the following:

- the flow generated by 64% of the 2-year 24-hour precipitation (SBUH model),
- the flow generated by 60% of the developed 2-year peak flow rate (KCRTS model), or
- the flow associated with 95% of the annual average runoff volume in the KCRTS time series (typically restricted to sand filter sizing).

This condition is in lieu of the biofiltration required under Core Requirement #3 in the King County Surface Water Design Manual.

ORDERED this 16th day of June, 1998.

Stafford L. Smith, Deputy
King County Hearing Examiner

TRANSMITTED this 16th day of June, 1998 to the parties and interested persons shown on the attached list.

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before June 30, 1998. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before July 7, 1998. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JUNE 8, 1998 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT & ENVIRONMENTAL SERVICES FILE NO. L97P0013 – REDHAWK:

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Lanny Henoch, Bruce Whittaker, and Steve Anderson.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L97P0013
- Exhibit No. 2 Department of Development and Environmental Services Preliminary Report to the Hearing Examiner for the June 8, 1998 public hearing
- Exhibit No. 3 Application, received March 21, 1997
- Exhibit No. 4 Environmental Checklist, received March 21, 1997
- Exhibit No. 5 SEPA Mitigated Determination of Nonsignificance, issued March 3, 1998
- Exhibit No. 6 Affidavit of Posting for Hearing Recommendation, received March 18, 1998
- Exhibit No. 7 Revised plat map, received April 3, 1998
- Exhibit No. 8 Land Use Map – Kroll Maps 575E and 958W
- Exhibit No. 9 King County Assessor Map for the NW 1/3 of 03-24-06
- Exhibit No. 10 Wetland Evaluation Report, by Terra Associates, Inc., dated February 6, 1998
- Exhibit No. 11 Traffic Impact Analysis, by Transportation Planning & Engineering, Inc., dated March 10, 1997
- Exhibit No. 12 Letter dated August 21, 1997 from Mark J. Jacobs, P.E., Transportation Planning & Engineering, Inc.
- Exhibit No. 13 Letter dated March 24, 1998 from D.A. Alexander, appealing the SEPA determination
- Exhibit No. 14 Letter (fax) dated May 14, 1998 from Janet A. Irons, attorney for D.A. Alexander, withdrawing the SEPA appeal
- Exhibit No. 15 Faxed memo from Sharon Claussen, Department of Parks & Recreation, received April 15, 1998
- Exhibit No. 16 Letter dated March 4, 1998 from George S. Sutherland
- Exhibit No. 17 Letter dated March 3, 1998 from George E. Wannamaker, Acting Managing Engineer, approving Road Variance L97V0006 concerning intersection spacing for the plat entrance road, with attached staff findings and conclusions
- Exhibit No. 18 Surface Water Design Manual Variance Request L97V0155, with attached January 16, 1998 letter of approval signed by Joe Miles, LUSD, and Jeff O'Neill, BSD
- Exhibit No. 19 Fax dated April 22, 1998 to Bruce Whittaker from Chuck Horning, King County Property Services, re: 228th right of way expansion
- Exhibit No. 20 LUSD Staff new recommended condition re slope easement

SLS:gb

Attachment

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